



भारत का राजपत्र The Gazette of India

प्रसाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 140]

नई दिल्ली, बुधवार, जून 5, 1974/पृष्ठ 15, 1896

No. 140]

NEW DELHI, WEDNESDAY, JUNE 5, 1974/JYAISTHA 15, 1896

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF AGRICULTURE

(Department of Food)

ORDER

New Delhi, the 5th June 1974

G.S.R. 261(E).—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government, being of opinion that it is necessary and expedient so to do for securing the equitable distribution of wheat and its availability at fair prices, hereby makes the following Order, namely:—

1. **Short title, extent and commencement.**—(1) This Order may be called the Wheat (Price Control) Order, 1974.

(2) It extends to the States of Haryana, Madhya Pradesh, Punjab, Rajasthan and Uttar Pradesh and the Union territory of Chandigarh.

(3) It shall come into force at once.

2. **Definitions.**—In this Order, unless the context otherwise requires,—

(a) “dealer” means a person engaged in the business of purchase, sale or storage for sale of wheat under and in accordance with the terms and conditions of a licence issued to him by the Government of the seller State;

(b) “seller State” means the State or Union territory in which any wheat is sold in the course of inter-State trade and commerce.

3. **Maximum price at which wheat may be sold by a dealer.**—(1) No dealer in a State or Union territory to which this Order extends shall sell or agree to sell, in the course of inter-State trade and commerce, wheat at a price exceeding rupees one hundred and fifty per quintal

(2) For the purposes of this Order, a sale of wheat shall be deemed to take place in the course of inter-State trade and commerce if the sale—

- (a) occasions the movement of wheat from one State to another; or
- (b) effects a transfer of documents of title to the wheat during its movement from one State to another.

Explanation I.—Where wheat is delivered to a carrier or other bailee for transmission, the movement of wheat shall be deemed to commence at the time of such delivery and terminate at the time when the delivery is taken from such carrier or bailee.

Explanation II.—Where the movement of wheat commences and terminates in the same State, it shall not be deemed to be movement of wheat from one State to another by reason merely of the fact that in the course of such movement the wheat passed through the territory of any other State.

(3) The price specified in sub-clause (1) shall be inclusive of—

- (a) the cost of gunny bags;
- (b) the octroi, terminal tax, purchase tax, sales tax (including Central sales tax) or any other local tax payable under any law for the time being in force in respect of the wheat sold by the dealer;
- (c) all incidental charges incurred by the dealer, before the commencement of movement of wheat outside the seller State, up to the point at which wheat is loaded into a railway wagon or motor or other vehicle, where movement of wheat is permitted by road.

4. Powers of entry, examination, search and seizure.—(1) Any police officer, not below the rank of Assistant Sub-Inspector or any other officer authorised in this behalf by the Central Government or the Government of the seller State, may, with a view to securing compliance with this Order or to satisfying himself that this Order has been complied with,—

- (a) stop and search any person or any boat, motor or other vehicle or any receptacle used or intended to be used for the transport of wheat outside the seller State;
- (b) enter, search and examine any place;
- (c) seize—
 - (i) any stock of wheat in respect of which he has any reason to believe that a contravention of any of the provisions of this Order has been, is being, or is about to be committed;
 - (ii) any packages, coverings or receptacles in which such stock of wheat is found;
 - (iii) the animals, vehicles, vessels or other conveyances used in carrying such stock of wheat if he has reason to believe that such animals, vehicles, vessels, or other conveyances are liable to be forfeited under the provisions of the Essential Commodities Act, 1955 (10 of 1955), and thereafter take or authorise the taking of all measures necessary for securing the production of the packages, coverings, receptacles, animals, vessels or other conveyances so seized in a Court and for their safe custody pending such production;
- (d) examine or seize any books of accounts or documents which, in his opinion, would be useful for, or relevant to, any proceedings in respect of any contravention of this Order and return such books of accounts and documents to the person from whom they were seized after copies thereof or extracts therefrom, as certified by that person, have been taken.

(2) The provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974), relating to search and seizure, shall, so far as may be, apply to searches and seizures under this Order.

[No. I(Gen)] (2)/74-WT(I)-11.]

L. C. GUPTA, Jt. Secy.